



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/102,016	06/22/1998	SAMUEL H. CHRISTIE IV	03384.0236-0	1315

27820 7590 05/22/2003

WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

[REDACTED] EXAMINER

BOAKYE, ALEXANDER O

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2666

DATE MAILED: 05/22/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

13

Office Action Summary	Application No.	Applicant(s)	
	09/102,016	CHRISTIE, SAMUEL H.	
	Examiner Alexander Boakye	Art Unit 2666	(V)
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>12 February 2003</u> .			
2a) <input type="checkbox"/> This action is FINAL . 2b) <input checked="" type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) <input checked="" type="checkbox"/> Claim(s) <u>61-120</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>61-120</u> is/are rejected.			
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120			
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
Attachment(s)			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) <input type="checkbox"/> Other: _____ .	

Art Unit: 2666

1. Acknowledgment is made of applicant's claim for DECLARATION UNDER RULE 37 CFR 1.131. The certified copy has been filed in parent Application No. 09/102,016 , filed on 3/22/02.

Claim Rejections - 35 U.S.C. § 103

2. Claims 61-64, 66, 70, 71, 73, 76-79, 81, 85, 86, 88, 91-94, 96, 100-103, 106-111, 115-116 and 118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miska et al.(US Patent # 5,703,930) in view of White et al.(US Patent # 6,069,890).

Regarding claims 61, 70, 73 , 76, 85, 88, 91, 100 , 106 and 115, Miska discloses: means for attempting to initiate a communications session from a calling party's communication device (Fig. 1 @ 101 ; column 3, lines 24-31) to a called party's communication device (Fig. 1 @ 102); means for receiving (Fig. 1 @ 104) indication that the attempted communication session was not completed (column 2, lines 58-61).

Furthermore, Miska teaches receiving means (Fig. 1 @ 104)for receiving at the calling party's communications device (Fig. 1 @ 101) message providing an indication of a treatment (column 6, lines 40-47) corresponding to the attempted communications session, wherein the message is presented to the calling party through the calling party's communications device (Fig.

Art Unit: 2666

1 @ 101). What Miska fails to disclose is a packet based network. However, White discloses a packet based network(Fig. 4 @ 106). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine White's communication system including Internet network with Miska's communication system with the motivation being to provide capability for the system to offer telephone service to end users over the Internet via the public telephone network without the necessity of reliance on signaling systems of interexchange carriers.

Regarding claims 62, 63, 64, 71, 77, 78, 79 and 86, Miska teaches that the receiving means (Fig. 1 @ 104) includes means for receiving a cause value and address of the associated message (column 5, lines 52-67) corresponding to the attempted communications session.

Regarding claims 66 and 81, Miska teaches that the receiving means includes means for receiving the treatment with the message (Fig. 3 @ 310).

Regarding claims 92, 93, 94, 101, 107, 108 ,109 and 116, Miska teaches that the second receiving step includes means for receiving a cause value corresponding to call party identifier and an address of the associated message (column 5, lines 52-67) corresponding to the attempted communication session.

Regarding claims 96, 103, 111 and 118, Miska teaches the that the second receiving step includes the step of receiving the treatment with the message (Fig. 3 @ 316).

Art Unit: 2666

Claim Rejections - 35 U.S.C. § 103

3. Claims 65, 67-69, 72, 74, 75, 80, 82-84, 87, 89, 90, 95, 97-99, 102, 104, 105, 110, 113, 114, 117, 119, and 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miska et al. et al. (US Patent # 5,703,930) in view of White et al. (US Patent # 6,069,890) and further in view of Creswell et al (US Patent # 5,384,831).

Regarding claims 65, 72, 80, 87, 95, 102, 110 and 117, the combination of Miska and White teaches that the receiving means (Fig. 1 @ 104) includes means for receiving an address for accessing the message (column 5, lines 52-67 of Miska). The combination of Miska and White fails to disclose an alternate language. However, Creswell discloses an alternate language (column 22, line 67- column 23, lines 1-15). Therefore, it would have been obvious to one skilled in the art to incorporate Creswell's adjunct switch into the combination of Miska and white. The motivation would be to provide capability for the system to operate in different languages.

Regarding claims 67, 82, 97 and 112 , the combination of Miska and White teaches that the receiving means (Fig. 1 @ 104 of Miska) includes means for receiving the treatment (column Fig. 3 @ 310) and for caching the treatment for later retrieval(Fig. 4 @ 409).

Regarding claims 68, 74, 83, 89, 90, 98, 104, 113 and 119, the combination of Miska and White teaches that the receiving means includes means for receiving the indication of a

Art Unit: 2666

particular version of the treatment (column 6, lines 40-50; calling party leaving a message reads on the claimed particular version of treatment of Miska).

Regarding claims 69, 84 , 75, 99, 105, 114 and 120, the combination of Miska and white teaches that the receiving means includes means for receiving a multimedia version of the treatment (column 7, lines 38-46 of Miska).

Response to Arguments

4. Applicant's arguments with respect to claims 61-120 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is **(703) 308-9554**. The examiner can normally be reached on M-F from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rao Seema, can be reached on (703)308-5463. The **fax number** is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

Alexander Boakye
AB
Patent Examiner

5/7/03

Seema S. Rao
SEEMA S. RAO 5/19/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600